

## UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Reshaud Jamal Maxwell

Date of Original Judgment: 08/04/2021

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 5:20-CR-00024-001

USM No: 01767-120

Ashley Cooper

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 62 months **is reduced to** 57.

(Complete Parts I and II of Page 2 when motion is granted)

The defendant was sentenced to 70 months imprisonment (to run consecutively to the sentence imposed in Bibb County, Georgia Superior Court Case 09-CR-65440) after pleading guilty to Possession of a Firearm by a Prohibited Person, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). At the time he was sentenced, the defendant's criminal history subtotal was six (6). As he was under a criminal justice sentence at the time he committed the instant offense, two (2) criminal history "status points" were added, yielding a total score of eight (8) and a Criminal History Category of IV. Based upon a Total Offense Level of 23, his guideline imprisonment range was 70 to 87 months. However, the government filed a motion for a downward departure of two levels, pursuant to USSG § 5K2.0(a)(2)(B) (Unidentified Circumstances), as the defendant entered his guilty plea during the COVID-19 global pandemic and jury trial moratorium, and recommended the Court sentence the defendant in a guideline range of 57 to 71 months.

Amendment 821, Part A, of the *United States Sentencing Guidelines*, made retroactive February 1, 2024, reduces criminal history status points to one (1) point for defendants with seven (7) or more criminal history points; defendants with fewer than seven (7) criminal history points do not receive any additional points. Under the retroactive amendment, the defendant would not receive any criminal history "status points," his total criminal history score would be six (6), his Criminal History Category would be III, and his guideline imprisonment range would be 57 to 71 months. The government concurs that the defendant is eligible for a reduction but points to USSG § 1B1.10(b)(2)(A), which states the Court shall not reduce the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) to a term that is less than the minimum of the amended guideline range. The only exception to that provision, as detailed in USSG § 1B1.10(b)(2)(B), is for a defendant who received a sentence of imprisonment below the original guideline range due to Substantial Assistance. Consequently, the government recommends the Court reduce the defendant's sentence to 57 months.

Accordingly, the Court **GRANTS** defendant's Motion for a Reduction of Sentence (Doc. 54) and reduces the imprisonment portion of the defendant's sentence to 57 months, to be served consecutively to the sentence imposed in Bibb County, Georgia Superior Court Case 09-CR-65440. The Court **DENIES** the defendant's request to award credit for time served in jail (Doc. 57) and leaves that determination to the discretion of the Bureau of Prisons.

Except as otherwise provided, all provisions of the judgment dated 08/04/2021 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 6/25/2024

S/ Marc T. Treadwell

*Judge's signature*

Effective Date:   
*(if different from order date)*

Marc T. Treadwell, U.S. District Judge

*Printed name and title*